

## § 635.7

does not extend to the administration of:

(1) Payment limitations under part 1400 of this title;

(2) Payment limitations under a conservation program administered by the Secretary; or

(3) The highly erodible land and wetland conservation requirements under subtitles B or C of Title XII of the Food Security Act of 1985 (16 U.S.C. 3811 *et seq.*).

(c) *Concurrence by the Office of the General Counsel.* Relief shall only be made under this part after consultation with, and concurrence by, the Office of General Counsel.

(d) *Secretary's reversal authority.* A decision made under this part by the State Conservationist may be reversed only by the Secretary, who may not delegate that authority.

(e) *Relation to other authorities.* The authority provided under this section is in addition to any other applicable authority that may allow relief.

### § 635.7 Procedures for granting equitable relief.

(a) The Chief or State Conservationist may initiate a request for equitable relief for a participant that meets the requirement of this part.

(b) Participants may request equitable relief from the Chief or the State Conservationist as provided in §§ 635.3 and 635.4 of this part.

(c) Only a participant directly affected by the non-compliance with the covered program requirements is eligible for equitable relief under this part.

(d) Requests by a participant for equitable relief must be made in writing, no later than 30 calendar days from the date of receipt of the notification of non-compliance with the requirements of the covered conservation program.

(e) Requests for equitable relief must include any information necessary to determine eligibility under this part and such other information as required by NRCS to determine whether granting equitable relief is appropriate. Information needed by the agency to assess equitable relief requests will be provided and updated by applicable policy and procedure.

(f) If equitable relief is denied by the Chief or the State Conservationist, the

participant will be provided with written notice of appeal rights to the National Appeals Division, pursuant to 7 CFR part 614.

## PART 636—WILDLIFE HABITAT INCENTIVE PROGRAM

### Sec.

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AUTHORITY: 16 U.S.C. 3839bb-1.

SOURCE: 75 FR 71338, Nov. 23, 2010, unless otherwise noted.

### § 636.1 Applicability.

(a) The purpose of the Wildlife Habitat Incentive Program (WHIP) is to help participants develop fish and wildlife habitat on private agricultural land, nonindustrial private forest land (NIPF), and Indian land.

(b) The regulations in this part set forth the requirements for WHIP.

(c) The Chief, Natural Resources Conservation Service (NRCS), may implement WHIP in any of the 50 States, District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.